

ORDINANCE NO. 07-01-441

AN ORDINANCE BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND TO REPEAL UNCODIFIED ORDINANCE # 82-23-267 AND TO ENACT A NEW §1-2-2 OF THE CODE OF FREDERICK COUNTY, 2004

§1. Definitions. - In this Ordinance, the following terms shall have the meanings indicated:

"Board" shall mean the Board of County Commissioners of Frederick County, Maryland.

"Code" shall mean the Code of Frederick County, 2004.

"Political party" shall have the meaning set forth in §1-101(gg) of the Election Law Article of the Annotated Code of Maryland.

§2. Background. - Uncodified Ordinance #82-23-267, enacted on December 1, 1982 and effective December 3, 1982, provides, in pertinent part, that the President of the Board "... shall be that person who receives the highest number of votes among the candidates who are elected and who is a member of that political party from which a majority of the members of the Board of County Commissioners were selected by the voters. . ." Uncodified Ordinance #82-23-267 also provides, in pertinent part, that the Vice President of the Board "... shall be that person who receives the second highest number of votes and is a member of that political party from which a majority of the members of the Board of County Commissioners were chosen by the electorate. . ." The Board desires to repeal Ordinance #82-23-267 and to enact a new §1-2-2 of the Code to provide that the President of the Board shall be the person who receives the

highest number of votes among the candidates who are elected, without regard to political party affiliation, and that the Vice President of the Board shall be the person who receives the second highest number of votes among the candidates who are elected, without regard to political party affiliation.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND THAT:

§3. Repeal of Uncodified Ordinance #82-23-267. – Uncodified Ordinance #82-23-267 is hereby repealed.

§4. Enactment of New §1-2-2 of the Code. – A new §1-2-2 of the Code is enacted as follows:

"§1-2-2. President and Vice President. – The President of the Board shall preside at all meetings of the Board of County Commissioners and perform other duties as authorized by the Board. The Vice President shall preside in the absence of the President. The President shall be that person who receives the highest number of votes among the candidates who are elected. The Vice President of the Board shall be the person who receives the second highest number of votes among the candidates who are elected. In the event of a tie vote by the electorate between elected members of the Board, the elected members of the Board shall determine the officers."

§5. Effective Date and Transitional Provisions. - Pursuant to Article 25, §4(b) of the Annotated Code of Maryland, this Ordinance shall become effective upon the later of:


(a) the filing of a copy of this Ordinance with the Clerk of the Circuit Court for Frederick County; and

(b) publication of a fair summary of this Ordinance in at least one newspaper of general circulation in Frederick County.

The President of the Board for the duration of the term that began December 1, 2006 shall be the person receiving the highest number of votes among the candidates elected in the November, 2006 general election, regardless of political party affiliation. The Vice President of the Board for the duration of the term that began December 1, 2006 shall be the person receiving the second highest number of votes among the candidates elected in the November, 2006 general election, regardless of political party affiliation. All official acts taken by persons serving as President and Vice President from December 1, 2006 through the effective date of this Ordinance are ratified and confirmed.

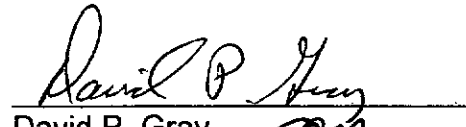
The undersigned hereby certifies that the Board of County Commissioners of Frederick County, Maryland approved and adopted the foregoing Ordinance on the 2nd day of January, 2007.

ATTEST:



Douglas D. Browning
County Manager

BOARD OF COUNTY COMMISSIONERS OF
FREDERICK COUNTY, MARYLAND



David P. Gray
President